

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NUMBER 012539 WHICH GRANTED A FRANCHISE TO EL PASO ELECTRIC COMPANY, FOR THE PURPOSE OF EXTENDING THE CITY'S OPTION PERIOD UNDER SECTION 13.

WHEREAS, the CITY OF EL PASO, ("City") on September 12, 1995, adopted Ordinance Number 012539 that granted a franchise to construct, reconstruct, repair, maintain, use and operate in, over, or under the present and future streets, alleys, public ways, parks and public places of the City of El Paso, facilities for the transmission and distribution of electric energy for the use of the City and the inhabitants thereof and properties therein, with all usual and customary appurtenances for such transmission and distribution; and

WHEREAS, on August 1, 2005 by its terms the franchise expires; and

WHEREAS, the City Council wishes to extend the option period under Section 13 for an additional six (6) month period with no other changes to the franchise.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That Ordinance No. 012539, dated September 12, 1995 is amended to read as follows:

- (1) Section 13. Subsection 1. On the date six (6) months prior to the end of the term, the City shall notify the Company in writing that the City elects to purchase the Company's property as aforesaid.
- (2) Except as expressly herein amended, all other provisions of Ordinance No. 012539, remain the same.
- (3) This Ordinance is not effective unless accepted by El Paso Electric Company, which shall accept in writing within three (3) days after passage.

(Signatures on following page)

PASSED AND APPROVED this 27th DAY OF JULY, 2004.

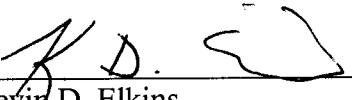
THE CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:


Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Kevin D. Elkins
Assistant City Attorney

APPROVED AS TO CONTENT:



William A. Chapman
Deputy CAO of Financial Services
Chief Financial Officer

ACCEPTANCE

The Amendment to Ordinance 012539 passed by the City Council of the City of El Paso is hereby accepted on this ____ day of ____ 2004.

EL PASO ELECTRIC COMPANY, Grantee

By _____
Its _____

State of Texas
County of El Paso

This instrument was acknowledged before on this ____ day of _____
2004, by _____

Notary Public
State of Texas
My Commission Expires: _____

Received for Filing this ____ day of ____ 2004.

Richarda Duffy Momsen,
City Clerk